



# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

### Specific Waiver

<p><b>SUBJECT</b></p> <p>Request by <b>Claremont Unified School District</b> to waive <i>Education Code</i> (EC) Section 56362(c): allowing the caseload of the Resource Specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). <b>Dena Woodward</b> assigned at <b>Condit Elementary School</b>.</p> <p>Waiver Number: 13-7-2004</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
---	--

### **RECOMMENDATION**

Approval  Approval with conditions  Denial

That the district provided additional instructional aide assistance at a minimum of five hours per day to the affected resource specialist who is over her caseload.

### **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

Both EC 56101 and CCR, Title 5, Section 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A Resource Specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEP) that are with regular education teachers for the majority of the school day. Resource Specialists coordinate special education services with the regular school programs for their students. Statute limits caseload for Resource Specialists to no more than 28 pupils unless the State Board of Education grants a waiver.

### **SUMMARY OF KEY ISSUES**

CCR, Title 5, Section 3100 states: The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory minimum during the waiver's effective period. The following affected resource specialist will have an increase in her caseload from 28 students to 32 students.

California Department of Education staff confirmed that Dena Woodward assigned at Condit Elementary School in the Claremont Unified School District has agreed to the increase in her caseload. She has not had had a caseload exceeding 28 students for two consecutive years. The resource specialists bargaining unit participated in the waiver development and stated that they were neutral.

This waiver is retroactive for the last three months of previous school year ending June

10, 2004. The district has been made aware that they need to be more proactive in asking for waivers in the future or they will be found out of compliance.

**Authority for the Waiver:** EC 56101, and CCR Title 5, Section 3100.

**Period of request:** April 1, 2004 to June 10, 2004.

**Local board approval date(s):** July 1, 2004

**Bargaining unit(s) consulted on date(s):** April 1, 2004 and July 13, 2004

**Name of bargaining unit(s)/representative(s):** Dave Nemer

**Position of bargaining unit(s) (choose only one):**

Neutral                       Support                       Oppose

Comments (if appropriate):

**FISCAL ANALYSIS (AS APPROPRIATE)**

---

If this waiver is denied, the Claremont Unified School District will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students placing a financial hardship on the district.

**BACKGROUND INFORMATION**

---

Consent item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.